

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY MICHAEL MOLDOWAN,

Plaintiff,

CIVIL ACTION NO. 05 CV 70331 DT

v.

DISTRICT JUDGE ANNA DIGGS TAYLOR

THE CITY OF WARREN; THE POLICE DEPARTMENT OF THE CITY OF WARREN; THE COUNTY OF MACOMB; ERIC SMITH, Macomb County Prosecutor, in his official capacity; ALAN WARNICK, in his individual and official capacity; DONALD INGLES, in his individual and official capacity; MARK CHRISTIAN, in his individual and official capacity; OTHER PRESENT AND FORMER MEMBERS OF THE WARREN POLICE DEPARTMENT AND OFFICE OF THE MACOMB COUNTY PROSECUTOR AS YET UNIDENTIFIED, in their individual and official capacities; and MAUREEN FOURNIER, individually,

Defendants.

**ORDER GRANTING MOTION TO STRIKE, DENYING MOTION
TO COMPEL AND AMENDING SCHEDULING ORDER**

This matter is before the court on the following motions: Defendant's Motion to Strike Complaint Under F.R.C.P 12(e) for Failure to Comply filed July 14, 2005 (D/E 35); Defendants' Motion to Strike Plaintiff's Amended Complaint filed July 25, 2005 (D/E 36); and Plaintiff's

Motion to Compel Discovery filed August 22, 2005 (D/E 48). A hearing on the motions was held before the magistrate judge on September 7, 2005. For the reasons stated on the record,

IT IS ORDERED as follows:

The Motions to Strike ARE GRANTED and the First Amended Complaint IS STRICKEN as not in compliance with Rule 8.

IT IS FURTHER ORDERED that plaintiff shall file a second amended complaint complying with Rule 8 (a short plain statement of the case) on or before September 27, 2005. If the Complaint does not comply with Rule 8, sanctions will be imposed. Defense counsel will accept service of the second amended complaint. Answers due October 17, 2005.

A Rule 26(f) Plan will be entered with a plan submitted to the district judge by October 21, 2005, including the taking of depositions by December.

IT IS FURTHER ORDERED that the Motion to Compel the deposition of Eric Kaiser IS DENIED. His deposition date shall be addressed in the Rule 26 Discovery Plan.

Plaintiff stipulates to set aside the default as to Ms. Fournier. An order for signature by the district judge will be submitted by September 27, 2005.

After consultation with the chambers of the district judge, the following dates are set in this case:

1) **Discovery cut-off:** All discovery requests shall be filed on or before December 5, 2005. All discovery is to be completed by January 6, 2006. All discovery motions, including motions to extend time, are to be filed by December 15, 2005.

2) **Dispositive motion cutoff:** March 6, 2006.

3) A **Final Pre Trial Conference and/or Settlement Conference** will be held on Thursday, May 4, 2006 at 11:00 a.m. Clients or representatives with full authority to settle must attend this conference.

4) **Jury trial** set for Tuesday, June 6, 2006 at 9:00 a.m.

5) No further notices will be mailed; all will be e-filed.

SO ORDERED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: September 20, 2005

Proof of Service

The undersigned certifies that a copy of the foregoing order was served on the attorneys of record by electronic means or U.S. Mail on September 20, 2005.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Morgan